

**REMARKS**

Claims 1-17 are pending. Claims 5, 6, 9, 14 and 16-18 have been withdrawn from consideration. Claims 7, 8, 13 and 15 have been rejected under 35 U.S.C. § 112, second paragraph. Claims 1-4, 7, 8, 10-13 and 15 have been rejected under 35 U.S.C. § 102(e) over Alberth, et al. (U.S. Patent No. 6,094,565). Reconsideration of the present application is respectfully requested in light of the remarks below.

Claims 7, 8, 13, and 15 have been rejected under 35 U.S.C. § 112, second paragraph. Applicant respectfully traverses this rejection.

Claim 7 recites that “the tone output controller causes tone output from the receiver at the time of the tone output from the call tone output unit.” Claim 8 recites that “the tone output controller causes tone output from the call tone output unit at the time of the tone output from the receiver.” On page 2 of the Office Action, the Examiner inquired whether the tone controller causes “tone output from both the receiver and tone output unit at the same time when an incoming call arrived or depending on the detection of the hinge?” Applicant respectfully submits that the language of claims 7 and 8 is clear in not being limited by the status of the hinge.

The additional limitation of dependent claims 7 and 8 are not inconsistent with the limitations of claim 1. Claims 7 and 8 merely require causing tone output from the receiver and the tone output unit at the same time, regardless of the status of the hinge. Applicant respectfully submits that claims 7 and 8 are therefore in full compliance with 35 U.S.C. § 112, second paragraph. Withdrawal of the rejection of claims 7 and 8 is therefore respectfully requested.

Claims 13 and 15 are dependent on claims 3 and 4 respectively. Claim 13 and 15 contain the same language, respectively, as claims 7 and 8 as discussed above. Applicant respectfully submits that the language of claims 13 and 15 is clear in not being limited by the status of the hinge. Furthermore, none of the limitation in claims 3 and 4 prevent any dependent claim from causing tone output from the receiver and the tone output unit at the same time, regardless of the status of the hinge. Withdrawal of the rejection of claims 13 and 15 is therefore respectfully requested.

Claims 1-4, 7, 8, 10-13, and 15 have been rejected under 35 U.S.C. § 102(e) over Alberth. Applicant respectfully traverses this rejection.

Claim 1, 2, 3 and 4 each explicitly recite “a tone output controller” that **“causes tone output from a receiver when the hinge is unfolded from the folded state.”** (Emphasis added) Applicant respectfully submits that this feature of the present invention is neither taught nor suggested by Alberth.

On page 3 of the Office Action, it is argued that this feature is disclosed in Figure 4 and column 7, lines 8-12 in Alberth. However, the cited section in Alberth merely discloses that “if a call to the device 102 is incoming while the housing 105 is in the closed position 200, the controller 304 activates the ringer 309, the vibrator 310, or the indicator 204 to alert a user to the incoming call.” However, controller 304 in Alberth does not cause “tone output from a receiver when the hinge is unfolded,” as explicitly recited in Applicant’s claims 1, 2, 3 and 4.

Furthermore, while the flow chart of Figure 4 discloses decisions based on whether the housing is opened or closed, Figure 4 does not disclose causing an output from a receiver when the hinge is unfolded from a folded state as required by claims 1-4.

Figure 4 merely teaches displaying a caller ID when the phone is unfolded (see step 408). Therefore, withdrawal of the rejection of claims 1, 2, 3 and 4 over Alberth is respectfully requested.

Claims 7 and 8 are dependent on and include all of the limitations of claim 1. All of the arguments regarding claim 1 apply with equal force to claims 7 and 8. Therefore, withdrawal of the rejection of claims 7 and 8 over Alberth is respectfully requested.

Claim 13 and 15 are dependent on and include all of the limitations of claims 3 and 4 respectively. All of the arguments regarding claim 3 and 4 apply with equal force to claims 13 and 15 respectively. Therefore, withdrawal of the rejection of claim 13 over Alberth is respectfully requested.

Independent claim 10 explicitly recites “outputting a reception tone from a receiver when a call arrives and the hinge is unfolded from the folded state.” Independent claim 11 explicitly recites a tone output controller “that causes tone output from a receiver upon a call arrival when the two member bodies are unfolded from the folded state.” Applicant respectfully submits that the features recited in claims 10 and 11 are neither taught nor suggested by Alberth.

On page 3 of the Office Action, it is argued that these features are disclosed in Figure 4 and column 7, lines 8-12 in Alberth. However, as discussed above, the cited section in Alberth merely discloses that “if a call to the device 102 is incoming while the housing 105 is in the closed position 200, the controller 304 activates the ringer 309, the vibrator 310, or the indicator 204 to alert a user to the incoming call.” Controller 304 in Alberth does not output “a reception tone from a receiver when a call arrives and the hinge is unfolded from the folded state,” as explicitly recited in Applicant’s claim 10.

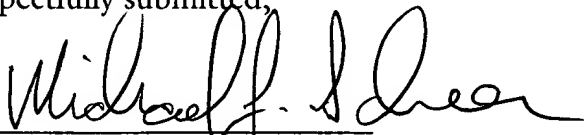
(Emphasis added) Also, Controller 304 in Alberth does not cause “tone output from a receiver upon a call arrival when the two member bodies are unfolded from the folded state,” as explicitly recited in Applicant’s claim 11. (Emphasis added) Therefore, withdrawal of the rejection of claims 10 and 11 over Alberth is respectfully requested.

Claim 12 is dependent on and include all of the limitations of claim 11. Therefore, all of the arguments regarding claim 11 apply with equal force to claim 12. Therefore, withdrawal of the rejection of claim 12 over Alberth is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: June 30, 2005

Respectfully submitted,

By 

Michael J. Scheer

Registration No.: 34,425

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

1177 Avenue of the Americas  
New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant

MJS/HM/112